

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
SIXTH DIVISION – FERGUS FALLS

CARRIE KORTE  Plaintiff,  v.  EXETER FINANCE CORP.  Defendant.	Case No. _____  <b><u>COMPLAINT</u></b> <b><u>JURY TRIAL DEMANDED</u></b>
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**NATURE OF ACTION**

1. This is an action brought under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

**JURISDICTION AND VENUE**

2. This Court has jurisdiction pursuant to 47 U.S.C. § 227(b)(3) and 28 U.S.C. § 1331.

3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), as the acts and transactions giving rise to Plaintiff’s action occurred in this district, Plaintiff resides in this district, and Defendant transacts business in this district.

**PARTIES**

4. Plaintiff Carrie Korte (“Plaintiff”) is a natural person who at all relevant times resided in the State of Minnesota, County of Stearns, and City of St. Cloud.

5. Defendant Exeter Finance Corp. (“Defendant”) is an entity that specializes in financing and servicing of auto loans.

### **FACTUAL ALLEGATIONS**

6. Defendant began placing telephone calls to Plaintiff's cellular telephone number.
7. Around June 2014, Plaintiff told Defendant to stop placing telephone calls to her cellular telephone number.
8. Defendant continued placing telephone calls to Plaintiff's cellular telephone number.
9. Around December 2014, Plaintiff told Defendant to stop placing telephone calls to her cellular telephone number.
10. Defendant continued placing telephone calls to Plaintiff's cellular telephone number, sometimes several times a day.
11. Upon information and belief, the telephone calls identified above were placed to Plaintiff's cellular telephone number using an automatic telephone dialing system.
12. Defendant did not place any telephone calls to Plaintiff for emergency purposes.
13. Defendant did not have Plaintiff's prior express consent to make any telephone calls to Plaintiff's cellular telephone number.
14. Upon information and belief, Defendant placed the telephone calls to Plaintiff identified above voluntarily.
15. Upon information and belief, Defendant placed the telephone calls to Plaintiff identified above under its own free will.
16. Upon information and belief, Defendant had knowledge that it was using an automatic telephone dialing system to place each of the telephone calls identified above.
17. Upon information and belief, Defendant intended to use an automatic telephone dialing system to place each of the telephone calls identified above.

18. Upon information and belief, Defendant maintains business records that show all calls Defendant placed to Plaintiff's cellular telephone number.

**COUNT I  
VIOLATION OF 47 U.S.C. § 227(b)(1)(A)(iii)**

19. Plaintiff repeats and re-alleges each and every factual allegation above.

20. Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii) by willfully and knowingly placing telephone calls to Plaintiff's cellular telephone number using an automatic telephone dialing system and/or an artificial or pre-recorded voice.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii);
- b) Enjoining Defendant from placing any further telephone calls to Plaintiff in violation of the TCPA, pursuant to 47 U.S.C. § 227(b)(3)(A);
- c) Awarding Plaintiff statutory damages in the amount of \$500.00 per violation, pursuant to 47 U.S.C. § 227(b)(3)(B);
- d) Awarding Plaintiff actual damages, pursuant to 47 U.S.C. § 227(b)(3)(B);
- e) Awarding Plaintiff treble damages, pursuant to 47 U.S.C. § 227(b)(3);
- f) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- g) Awarding Plaintiff pre-judgment and post-judgment interest as permissible by law; and
- h) Awarding such other and further relief as the Court may deem just and proper.

**TRIAL BY JURY**

17. Plaintiff is entitled to and hereby demands a trial by jury

Dated: June 24, 2015

/s/JD Haas  
JD Haas

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